

S. B. No. 59, A bill to be entitled "An Act to amend Article 3392 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex-officio and other public services rendered so as to provide that the total amount paid the county clerk in one year shall not be less than fifty nor more than fifteen hundred dollars; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 160, A bill to be entitled "An Act authorizing the county judge to appoint a stenographer and prescribing the duties of such stenographer; providing for his compensation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

ELEVENTH DAY.

Senate Chamber,

Austin Texas,

Thursday, January 27, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent—Excused.

Bailey.
Greer.

Hall.
Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Ward.

Petitions and Memorial.

(See Appendix)

Committee Reports.

(See Appendix)

Message From the House

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, January 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 151, A bill to be entitled "An Act increasing the appropriation of the Governor for the fiscal year ending August 31, 1927, for the payment of rewards and other expenses necessary for the enforcement of the law, etc."

H. C. R. No. 10, recalling H. B. No. 52 from the Governor for further consideration.

H. B. No. 27, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act to amend Chapter 172 of the General Laws of the Regular Session of the Thirty-ninth Legislature, Section 5, page 388, relating to the preservation and propagation of all wild animals, wild birds and wild fowls of this State, and amending Chapter 6 of the Revised Criminal Statutes, Article 878, page 197, relating to division into zones for the time limits as to hunting game; making provisions for a change in boundary from Longview to Loraine on the Louisiana state line instead of from Longview to Texarkana, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives

Bills and Resolutions.

By Senator Russek:

S. B. No. 179, A bill to be entitled "An Act amending Chapter 253, of the Special Laws of the State of Texas, passed by the Thirty-ninth Legislature, at the First Called Session thereof, which convened in the City of Austin, September 13, 1926, and adjourned October 8, 1926, relating to the creation of Road District No. 4 in Fayette County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court in said county in respect to said road district, bonds and taxes, or certified copies thereof and constituting such orders legal evidence, evidencing proof of publication of constitutional notice required in such Act, by adding thereto a section to be known as Section 3A, reading as follows, to-wit:

"Section 3A. That the order adopted by the county commissioners' court of said county on the 29th day of August, 1925, submitting to the resident property taxpayers, who were qualified electors of said road district, at an election to be held in said road district on the 3rd day of October, 1925, the proposition of issuing bonds of said road district in the amount of twenty-five thousand dollars (\$25,000.00), and the levy of a tax upon the taxable property therein to pay interest on said bonds and provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads or turnpikes, or in aid thereof, and the notice published and posted at said election, the form of ballot used thereat and the canvass of the vote cast at said election as recorded in the minutes of said county commissioners' court, revealing that a two-thirds majority of such resident qualified property taxpayers who were qualified electors, voting on the propositions voted in favor of the issuance of such bonds and levy of such tax are hereby le-

galized, approved and validated, and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Traffic.

By Senator Russek:

S. B. No. 180, A bill to be entitled "An Act fixing an annual occupation tax upon loan brokers, and defining loan brokers; and repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 181, A bill to be entitled "An Act to amend Articles 3101, 3102, 3111, 3115, 3117, 3127, 3134, 3135, 3136, 3137, 3139, 3140, 3146, 3148 and 3152, of Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925, relating to primary elections, and to repeal Article 3138, of said Title and Chapter of said Statutes, and also to repeal Articles 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098 and 3099, of said Title 50, Chapter 12, of said Statutes, and all other laws and parts of laws in conflict therewith, and to declare an emergency."

Read first time and referred to the Committee on Privileges and Elections.

S. B. No. 182, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years; providing for the administration of the system through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for relief under the Act and permitting the discontinuance of the relief on conviction of an offense or upon evidence of changed status of the beneficiary; and fixing the punishment of any applicant or other person violating any of the provisions of the Act, defining certain terms used in the Act and identifying the measure as the Old Age Relief Act of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Holbrook:

S. B. No. 183, A bill to be entitled "An Act to create Road District Number One (1), in Matagorda County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such Acts, and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Traffic.

By Senator McFarlane:

S. B. No. 184, A bill to be entitled "An Act to amend Article 714, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, by providing that in all criminal actions where either the husband or wife becomes or is used as witness for the other, such husband or wife may be cross-examined by the State with the same latitude and in the same manner as any other witness; and that such cross-examination shall not be confined to matters about which such husband or wife has been interrogated or has testified in chief; and the State, upon cross-examination of said husband or wife, shall be permitted to show the interest, bias or prejudice of such witness in the same manner as any other witness, and declaring an emergency."

Read first time and referred to the Committee on Criminal Juris-

By Senator Berkeley:

S. B. No. 185, A bill to be entitled "An Act authorizing and directing the Secretary of State to exchange Court Reports, Session Acts, and other publications of the State for like publications of the other States and of the United States, and of foreign countries, for the benefit of the law library of the University of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 186, A bill to be entitled "An Act regulating elections and primary elections and nominations and providing for a better primary election system in this State; providing for a preferential or first and second choice ballot in primaries, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Real:

S. B. No. 187, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerks' office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name or owner, date of permit, description of property on which building is located, etc., and declaring an emergency."

By Senator Holbrook:

S. B. No. 188, A bill to be entitled "An Act authorizing the employment and compensation of a stenographer, clerk or assistant to the county judge in any county having a city of 40,000 inhabitants or more, according to the last United States census; prescribing the duties of such clerk or assistant, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 189, A bill to be entitled "An Act to amend Article 7257 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Fairchild:

S. B. No. 190, A bill to be entitled "An Act to prevent time warrants from being issued by or for any county or political subdivision of a

county; defining the word "time warrants," preventing the issuance of bonds to fund or refund, or the proceeds of which may be for the purpose of paying or retiring, any such time warrants or other warrants heretofore or hereafter issued; and providing that any bonds or warrants issued in violation of this Act shall be void; providing that this Act shall not apply to bonds or warrants issued under Title 118, Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 191, A bill to be entitled "An Act amending Article 1667, of the Revised Civil Statutes of 1925, relating to the improvement, navigation, drainage, road or irrigation districts, and other character of districts, having for their purpose the expenditure of public funds for improvement purposes or for improvements of any kind whether derived from the issuance of bonds or through and character of special assessment, and relating to the duties of the county auditor in reference thereto; making said Article and Articles 1668 to 1676 of the same Chapter relating to the same subject matter applicable in counties having less than 110,000 inhabitants according to the preceding Federal census, as well as those having 110,000 inhabitants or more, according to such census, and declaring an emergency."

Read first time and referred to Committee on Drainage and Irrigation.

By Senator Witt:

S. B. No. 192, A bill to be entitled "An Act prescribing that physical education courses approved by the State Department of Education shall be taught in the public schools of Texas; providing for the certification of teachers of physical education; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical education instruction in the public schools.

Read first time and referred to Committee on Educational Affairs.

By Senator Wood, by request:

S. B. No. 193, A bill to be entitled "An Act providing for the payment

of an annual salary of \$500.00 per annum to county attorneys in those counties in Texas wherein there is no district attorney, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

S. J. R. No. 19.

By Senator Love:

S. J. R. No. 19, A joint resolution "Proposing an amendment to the State Constitution eliminating the constitutional limitations on the Legislature relative to notaries public and the appointment of notaries public, and providing for the appointment of notaries public until the Legislature enacts a law on this subject.

Read first time and referred to Committee on Constitutional Amendments.

H. C. R. No. 10.

The Chair laid before the Senate the following resolution:

H. C. R. No. 10, recalling H. B. No. 52, from the Governor.

The resolution was read and adopted.

House Bills Read and Referred.

After their captions were read, the Chair referred the following bills:

H. B. No. 71 to Committee on State Affairs.

H. B. No. 27 to the Committee on State Affairs.

Simple Resolution No. 38.

By Senator Berkeley:

Whereas, There appeared in the Sunday American-Statesman of January 23, 1927, the following news item:

"PETRIFIED FOREST IN TEXAS

"Big Bend County Shows Trunk 896 Feet Long Which Strikes Hard At 'Sunny California'

"A petrified forest recently discovered in Texas is said to be the most marvelous known to man. Experts of the American Forestry Association have come to this conclusion. This forest is situated in an almost inaccessible valley of the Big Bend region of Texas, nearly 100 miles from the nearest railroad.

"It is in the district represented

by Senator B. F. Berkeley of Alpine and Federal government geologists state that they found tree trunks standing to a height of 100 to 150 feet and also many great trunks of trees lying prostrate, of a size unparalleled in the world, both in diameter and length.

"One tree measured 896 feet in length and the upright trunks are so large that they appear from a distance to be great symmetrical columns of natural rock. These Federal geologists tell the story. They have visited this distant valley, which is split by a deep arroyo leading into the Rio Grande.

"A thick layer of volcanic ashes and pumic stone covers the surface, which the geologists say evidently came from a peak in the neighboring Chisos Mountains, since the prostrate trunks are partly covered with ashes, it is evident that this volcanic eruption occurred long after the forest passed into its present petrified state.

"Now California is given the center of the stage. For a century or more, California, including those who came before and after the Argonauts have boasted of their gigantic trees 'as the wonders of the world.' Now they are invited to inspect one tree trunk in the Big Bend country which measures 896 feet in length.

"After a closeup they can return to California and tell the natives of the golden coast country that the petrified forest in the Big Bend country in Texas is the most marvelous in the world. This over, they can resume their money making occupation or trade of telling to the world, the glory of the sunshine and the saltiness of the waters of the Pacific Ocean.

"There is no place like Texas. There are no petrified forests like the petrified forests in the Big Bend country of Texas. There is no petrified tree in the world that measures 896 feet in length except the petrified hulk found in the district represented in the Texas Legislature by Berkeley of Alpine."

And Whereas, It is highly desirable to eventually set aside and preserve the land containing this petrified forest;

Now Therefore, be it Resolved by the Senate of the State of Texas:

Section 1. That the Commissioner of the General Land Office is hereby

instructed and directed to have a survey made of the land mentioned in the preamble hereof with a view of ascertaining whether said land is situated on public free school land. The Land Commissioner shall report to the Legislature as soon as he has made this survey with a view of the Legislature taking such action as may be necessary to set aside and preserve the land containing this petrified forest. The Land Commissioner shall make this survey or cause the same to be made under his direction and shall pay the expenses thereof out of any funds now available to him under appropriations made by the Legislature for the support and maintenance of his office.

The resolution was read and adopted.

Simple Resolution No. 39.

By Senator Moore:

Whereas, Hon. John Davis of Dallas, a distinguished former member of this body, is in the city.

Be it Resolved, That he be extended the privileges of the Senate Chamber while in the city, and that he be invited to address the Senate.

MOORE,
WOODWARD,
LEWIS,
STUART.

The resolution was read and adopted.

Address by John Davis.

Senator Woodward introduced ex-Senator John Davis of Dallas, Texas, who briefly addressed the Senate.

Bill Signed.

After its caption was read, the Chair signed in the presence of the Senate, S. B. No. 151.

Simple Resolution No. 40.

By Senators Woodward, Bledsoe and Ward:

Whereas, Senate Bill No. 21, was on January 12, 1927, referred to the Committee on Criminal Jurisprudence, and

Whereas, On January 26, 1927, at a hearing on said bill a majority of said committee upon motion postponed the further consideration of said bill to five o'clock p. m., on the first Monday in March, 1927, in

the room of the Secretary of the Senate, and

Whereas, The action of the majority is tantamount to a refusal of the Committee to report said bill, and

Whereas, It is deemed advisable that a report on said bill should be made by a Committee of the Senate,

Therefore, be it Resolved, That said Senate Bill No. 21 be withdrawn from the Committee on Criminal Jurisprudence and re-referred to Committee on Judicial Districts.

WOODWARD,
BLED SOE,
WARD.

The resolution was read. Senator Wirtz made the point of order that the resolution seeks to set aside a rule of the Senate and required a vote of two-thirds of the Senate for its passage.

Senator Woodward received unanimous consent to withdraw the resolution.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, January 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17, of Chapter 24, of the Special Laws of the State of Texas, approved March 5, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County, by changing the minimum age of persons required to work the roads from eighteen to twenty-one, and changing the amount of indebtedness that can be created in road matters, and changing the compensation of the road supervisors."

H. B. No. 27, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act to amend Article 942 of Title 27 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act to amend Article 2162 of

Chapter 8, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act to amend Article 2274 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to amend Article 2496 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act to amend Article 3351 of Chapter 5, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act to amend Article 3654 of Chapter 26, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act to amend Article 3726 of Title 55, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act to amend Article 3872, Title 60, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 41, A bill to be entitled "An Act to amend Article 3990, of Title 64, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act to amend Article 4231 of Chapter 10, Title 69, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act to amend Article 4930 of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act to amend Article 6424 of Chapter 9, Title 112, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act to change the names and designation of the county court of Bexar county for civil cases to the 'County Court at Law No. 1, of Bexar County, and the county court of Bexar County, for criminal cases to the 'County Court at Law No. 2 of Bexar County, Texas.'"

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives

Hall of the House of Representatives,
Austin, Texas, January 27, 1927.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. C. R. No. 11, Making certain requests of the Chairman of the Prison System.

H. C. R. No. 12, Regarding certain funds in the possession of the Secretary of War.

H. C. R. No. 13, Relating to the Purnell Fund.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives

Senate Bill No. 21.

Senator Woodward moved that S. B. No. 21 be withdrawn from the Committee on Criminal Jurisprudence.

Senator Wirtz made the point of order that the motion could not be made without suspending the order of business.

The Chair sustained the point of order, and held the motion of Senator Woodward not a privilege motion, and that same could not be made during the morning call except by suspending the regular order of business by a two-thirds vote.

Simple Resolution No. 40.

Senator Love sent up the following resolution:

Resolved that the Committee on Criminal Jurisprudence be instructed to report Senate Bill No. 21 by 12 a. m. February 2, 1927.

The resolution was read.

Senator Wirtz sent up the following amendment to the Resolution:

Amendment No. 1 to S. R. No. 40. Amend the Resolution by striking out the words tomorrow and adding in lieu thereof the words within ten days.

The amendment was read.

The amendment was lost by the following vote:

Yeas—11.

Bowers.	Parr.
Fairchild.	Real.
Floyd.	Russek.
Hardin.	Ward.
Holbrook.	Wirtz.
Miller.	

Nays—15.

Berkeley.	Price.
Bledsoe.	Reid.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Pollard.	

Absent.

Stuart.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

Senator Fairchild sent up the following amendment to the resolution: Amend amendment to read 7:30 p. m. in lieu of 12:00 m.

The amendment was tabled by the following vote:

Yeas—17.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Floyd.	Triplett.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.
Neal.	

Nays—9.

Fairchild.	Real.
Hardin.	Russek.
Holbrook.	Ward.
Miller.	Wirtz.
Parr.	

Absent.

Stuart.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

Senator Price moved the previous question on the resolution. The previous question was ordered by the following vote:

Yeas—20.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Hardin.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—6.

Fairchild.	Parr.
Holbrook.	Russek.
Miller.	Wirtz.

Absent.

Stuart.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

The motion of Senator Fairchild to adjourn until tomorrow morning at 10:00 o'clock a. m. was lost.

The resolution was adopted by the following vote:

Yeas—19.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Floyd.	Triplett.
Hardin.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.
Neal.	

Nays—7.

Fairchild.	Real.
Holbrook.	Russek.
Miller.	Wirtz.
Parr.	

Absent.

Stuart.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

House Bills Read and Referred.

After their captions were read the Chair referred the following bills:

H. C. R. No. 13 referred to Committee on Finance.

H. B. No. 16 referred to Committee on Highways and Motor Traffic.

H. B. No. 27 referred to Committee on Civil Jurisprudence.

H. B. No. 28 referred to Committee on Civil Jurisprudence.

H. B. No. 30 referred to Committee on Civil Jurisprudence.

H. B. No. 33 referred to Committee on Civil Jurisprudence.

H. B. No. 36 referred to Committee on Civil Jurisprudence.

H. B. No. 37 referred to Committee on Civil Jurisprudence.

H. B. No. 38 referred to Committee on Civil Jurisprudence.

H. B. No. 39 referred to Committee on Civil Jurisprudence.

H. B. No. 40 referred to Committee on Civil Jurisprudence.

H. B. No. 41 referred to Committee on Civil Jurisprudence.

H. B. No. 43 referred to Committee on Civil Jurisprudence.

H. B. No. 45 referred to Committee on Civil Jurisprudence.

H. B. No. 47 referred to Committee on Civil Jurisprudence.

H. B. No. 80 referred to Committee on Civil Jurisprudence.

H. C. R. No. 12 referred to Committee on Federal Relations.

H. C. R. No. 11 referred to Committee on Penitentiaries.

Recess.

The Senate at 12:10 p. m. on the motion of Senator Holbrook recessed until this afternoon at 2:00 p. m.

After Recess.

The Senate reconvened at 2:00 p. m., pursuant to recess.

Senate Bill No. 18.

The Chair laid before the Senate, on the calendar the following bill:

By Senator Woodward:

S. B. No. 18, A bill to be entitled "An Act to create a commission in aid of the Court of Criminal Appeals of Texas, regulating their powers and duties, appointment, duration of service, compensation and providing for stenographer and making an appropriation therefor, and declaring an emergency."

The bill was read the second time.

The committee report carrying a substitute was adopted.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 18 put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Holbrook.
Bledsoe.	Lewis.
Bowers.	Love.
Fairchild.	McFarlane.
Floyd.	Moore.
Hardin.	Neal.

Parr.	Triplett.
Pollard.	Ward.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.

Nays—1.

Westbrook.

Absent.

Miller.	Stuart.
Price.	Wirtz.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Hardin.	Russek.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—1.

Westbrook.

Absent.

Floyd.	Price.
Miller.	Stuart.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

Senate Bill No. 87.

The Chair laid before the Senate on the calendar the following bill:

By Senator Ward:

S. B. No. 87, A bill to be entitled "An Act to amend Article 2496 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Senator Ward moved to substitute the favorable minority report for the unfavorable majority report.

The minority report was adopted. The bill was passed to engrossment.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 87 put on

its third reading and final passage, by the following vote:

Yeas—23.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Hardin.	Reid.
Holbrook.	Russek.
Lewis.	Stuart.
Love.	Triplett.
Moore.	Ward.
Floyd.	Westbrook.
McFarlane.	Wirtz.
Neal.	Wood.

Absent.

Miller.	Woodward.
Witt.	

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

The bill was read third time and passed finally.

Senate Bill No. 115.

Senate Bill No. 115 was made a Special Order Monday morning, January 31, 1927, after the morning call.

Senate Bill No. 77.

The Chair laid before the Senate on the calendar the following bill:

By Senator Real:

S. B. No. 77, A bill to be entitled "An Act making theft of an automobile or any part thereof, or accessory thereto, a felony, and affixing a punishment therefor, and declaring an emergency."

The bill was read second time.

Senator Real moved the adoption of majority report that the bill do pass.

Senator Fairchild moved as a substitute the adoption of the unfavorable minority report.

On motion of Senator Pollard the bill was laid on the table subject to call.

Senate Bill No. 69.

The Chair laid before the Senate on the calendar the following bill:

By Senator Westbrook:

S. B. No. 69, A bill to be entitled "An Act authorizing the Commission-

er of Agriculture to establish, maintain and enforce quarantine regulations to protect the agricultural and horticultural interests of this State against infestation by insect pests and plant diseases; to prohibit or restrict the sale and transportation of such plants and plant products as are known to carry insect pests and plant diseases; to have full power to deal with dangerous fruit and crop pests and plant diseases in such manner as may be necessary to carry into effect provisions of this Act; to have authority to declare "pest free" zones; providing for hearings to be held by the chief entomologist of the Department of Agriculture and others that may be designated; providing for due notice for such hearings and reports of the proceedings had; providing for appeal from the decision of the Commissioner of Agriculture; providing for declaration of "control" or "eradication" zones by the Commissioner of Agriculture upon recommendation of the commissioners' court of any county in this State; making it the duty of the Commissioner of Agriculture to cause an investigation to be made of the existence or non-existence of any pest in an area when called upon by the commissioners' court; providing for the commissioners' court to hold hearings and to make report to the Commissioner of Agriculture of its conclusions; authorizing the commissioners' court to appropriate moneys to carry into effect the provisions of this Act; providing for the examination and licensing of persons, offering themselves as experts for hire to do tree pruning, spraying; fertilizing, budding, grove supervision, tree surgery or treatment of diseased trees or orchards; providing that this Act shall be cumulative of all laws now on the statute books; providing penalties, and declaring an emergency."

The bill was read second time.

On the motion of Senator Pollard the previous question was ordered by the following vote:

Yeas—19.

Berkeley.	McFarlane.
Bledsoe.	Moore.
Floyd.	Neal.
Holbrook.	Parr.
Lewis.	Pollard.
Love.	Price.

Real.	Triplett.
Reid.	Ward.
Russek.	Westbrook.
Stuart.	

Nays—4.

Bowers.	Miller.
Fairchild.	Wirtz.

Absent.

Hardin.	Wood.
Witt.	Woodward.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

The bill was passed to engrossment.

Yeas—18.

Berkeley.	Pollard.
Bledsoe.	Price.
Floyd.	Real.
Holbrook.	Reid.
Lewis.	Russek.
Love.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.

Nays—5.

McFarlane.	Miller.
Bowers.	Wirtz.
Fairchild.	

Absent.

Hardin.	Wood.
Witt.	Woodward.

Absent—Excused.

Bailey.	Hall.
Greer.	Smith.

Bills Signed.

After their captions were read the Chair signed in the presence of the Senate the following:

H. C. R. No. 10.

H. C. R. No. 1.

Executive Session.

On the motion of Senator Reid the Senate agreed to go into Executive Session at 3:30 p. m.

Senate Bill No. 128.

The Chair laid before the Senate on the calendar the following bill:

By Senators Berkeley, Real, Woodward:

S. B. No. 128, A bill to be entitled "An Act to provide for cooperation between the State of Texas and the United States Department of Agriculture in the destruction of predatory animals—coyotes, wolves, mountain lions, bobcats, and other predatory animals, and rodent pests—i. e., prairie dogs, jack rabbits, pocket gophers, and ground squirrels—appropriating funds for such purposes, and declaring an emergency."

The bill was read second time and laid on table subject to call.

S. C. R. No. 8.

The Chair laid before the Senate on the calendar the following resolution:

S. C. R. No. 8, A resolution, "Making the mocking bird the State bird of Texas."

The resolution was read and adopted.

S. C. R. No. 9.

The Chair laid before the Senate on the calendar the following bill:

S. C. R. No. 9, A resolution to be entitled, "Relating to one or more passes to be constructed by the State of Texas, across Padre Island to permit tidal circulation and the entrance of fish therein for the benefit of culture, growth and preservation of the fishing industry."

The resolution was read and adopted.

Executive Session.

At 3:30 p. m. the Chair announced that the hour had arrived for executive session, and the Senate went into executive session.

After Executive Session.

The Secretary reported to the Journal Clerk the confirmation of the following Governor's Nominees, in executive session:

Honorable R. S. Sterling of Harris County, to be member of the Highway Commission, to succeed Honorable Eugene Smith, and be Chairman of the Highway Commission, for the term of six years.

Honorable Cone Johnson of Smith County, to be member of the Highway Commission, to succeed Judge G. P. Robertson, for the term of four years.

Message From the Governor.

The Chair recognized the Doorkeeper who presented the following executive message:

Executive Department,
Austin, Texas, January 27, 1927.
To the Honorable Senate of the State of Texas:

With your advice, consent and concurrence I desire to appoint the following named persons to the offices set opposite their several names, respectively:

Honorable R. H. Baker of Travis County, as a member of the Prison Commission, to succeed Honorable S. G. Granberry.

Honorable R. L. Batts of Travis County, to be a member of the Board of Regents of the University of Texas.

Honorable Will C. Hogg of Harris County, to be a member of the Board of Regents of the University of Texas.

Respectfully submitted,
DAN MOODY,
Governor.

Senate Bill No. 36.

On the motion of Senator Wood, S. B. No. 36 was withdrawn from the Committee on Finance and referred to the Committee on Educational Affairs.

Adjournment.

A motion to adjourn until 9 o'clock Monday morning was lost by the following vote:

Yeas—9.

Bowers.	Real.
Floyd.	Russek.
Holbrook.	Stuart.
Miller.	Wirtz.
Parr.	

Nays—15.

Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Reid.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Wood.
Neal.	

Absent.

Hardin.	Woodward.
Witt.	

Absent—Excused.

Bailey. Hall
Greer. Smith.

The Senate at 3:45 p. m. on the motion of Senator Bowers adjourned until Monday morning at 10:00 o'clock a. m. by the following vote:

Yeas—17.

Bowers. Russek.
Fairchild. Triplett.
Floyd. Ward.
Hardin. Westbrook.
Holbrook. Wirtz.
Miller. Witt.
Parr. Wood.
Price. Woodward.
Real.

Nays—9.

Berkeley. Moore.
Bledsoe. Neal.
Lewis. Pollard.
Love. Reid.
McFarlane.

Absent.

Stuart.

Absent—Excused.

Bailey. Hall
Greer. Smith.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, January 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 151 carefully examined and compared, and find the same correctly enrolled, and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, January 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 18 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 87 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 60 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 71 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 84, A bill to be entitled, "An Act to amend Article 417 of the Code of Criminal Procedure so that one indictment may cover all offenses growing out of the same transaction."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 96, A bill to be entitled "An Act defining negligent assault and negligence, making it an offense to negligently injure the person or property of another, affixing an punishment therefor."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 126, A bill to be entitled "An Act to make effective the provisions of Section 5, Article 5 of the Constitution of the State of Texas, wherein it is declared that under such regulations as may be prescribed by law, the Court of Criminal Appeals and the judges thereof may issue such writs as may be necessary to enforce the jurisdiction of said court and to empower said court and the judges thereof to issue writs of mandamus and certiorari, and to enforce obedience thereof."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 70, A bill to be entitled "An Act relating to the filing and recording of instruments of writing, heretofore and hereafter recorded, and the effect thereof, and validating defective certificate of acknowledgment, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 1, A bill to be entitled "An Act to amend Chapter 6 of Title 37 Texas Revised Civil Statutes of 1925, by repealing Article 1769 and

amending and re-enacting Article 1771, relating to the disposition of cases in the Supreme Court, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 66, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas by exempting from jury service agents and patrol men engaged in forestry protection work employed by the State Department of Forestry when engaged in the regular and actual discharge of their duties, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 118, A bill to be entitled "An Act to amend Article 3872, Title 60 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 119, A bill to be entitled "An Act to amend Article 4231 of Chapter 10, Title 69, of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had same under considera-

tion and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 120, A bill to be entitled "An Act to amend Article 2312 of Chapter 13, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 121, A bill to be entitled "An Act to amend Article 2253 of Chapter 12, Title 42 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 122, A bill to be entitled "An Act to amend Article 942 of Title 27 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

S. B. No. 142, A bill to be entitled "An Act amending Article 6643 of the Revised Civil Statutes of 1925, relative to lis pendens notices; providing that lis pendens notices mentioned and referred to in said article shall be notice to all the world of their contents, and that the suit or suits mentioned therein are pending and shall operate as soon as filed with the county clerk for record as provided in Chapter 2, of Title 115 of the Revised Civil Statutes, of 1925, whether service has been had on the parties to said suit or not; and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 138, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of 1925; providing for juvenile officers; providing for their selection, compensation, expenses and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act; and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 172, A bill to be entitled "An Act validating certain cities and towns incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes 1925, having 600 inhabitants or over, and declaring an emergency."

Have had same under considera-

tion and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 139, A bill to be entitled "An Act to amend Article 5922 of Title 96, of the Revised Civil Statutes of Texas, of 1925, relating to removal of disabilities of minors, so as to provide for hearings relative thereto during vacation of the court; and declaring an emergency."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 153, A bill to be entitled "An Act amending Article 6203, Title 108, of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following Committee Amendment.

Amend S. B. No. 153 by changing the words "thirty days" or "ten days" in line 19 of the first page of the bill.

FAIRCHILD, Vice-Chairman.

(Minority Report)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 153, A bill to be entitled "An Act amending Article 6203, Title 108, of the Revised Civil Sta-

tutes of Texas, 1925, and declaring an emergency."

Beg leave to differ with the majority of the Committee, and report the same back to the Senate with the recommendation that it do not pass.

BOWERS.

FAIRCHILD.

(Majority Report.)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 105, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas, to place switchlights on all their main line switches and to keep the same lighted from sunset until sunrise; except the main line switches that are now or may hereafter be operated by automatic signal devices; and requiring all railway corporations in the State of Texas to place single vane targets on all main line switches, and providing penalties and remedies for the violation of any of the provisions of this Act; repealing Article 6373 of the Chapter 8, Title 112 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following Committee Amendment:

Amend Senate Bill by adding the following at the end of Section (1):

Nor on railway lines or division of lines on which no trains are regularly run or operated at night.

WESTBROOK, Chairman.

(Minority Report)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Labor, to whom was referred

S. B. No. 105, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas, to place switchlights on all their main line switches

and to keep the same lighted from sunset until sunrise; except the main line switches that are now or may hereafter be operated by automatic signal devices; and requiring all railway corporations in the State of Texas to place single vane targets on all main line switches, and providing penalties and remedies for the violation of any of the provisions of this Act; repealing Article 6373 of the Chapter 8, Title 112 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had same under consideration and we beg to report it back with the recommendation that it do not pass.

MILLER.
HARDIN.

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 156, A bill to be entitled "An Act authorizing the recording of Marketing Agreements of Co-operative Agricultural Marketing Associations, and requiring that liens hereby attached to crops before delivery to the Association and to the members' interest in the Association after such delivery be collected through the Association, defining the rights, duties and policies of lienholders and Co-operative Marketing Associations; providing for the manner of filing and recording of Marketing Agreements executed by Co-operative Marketing Associations and their respective members, and affidavits in connection therewith, in the office of the Register of Deeds in the various counties in the State of Texas; and providing for the effect of such filing and recording of such Marketing Agreements and affidavits; and providing for the establishment of liens on crops produced and delivered by members of Co-operative Marketing Association to such Association, and the fixing of a lien in favor of lienholders on member's claim against Association after delivery of crop; providing for the filing and enforcing of crop liens; and providing for notice to Co-operative Marketing Associations by lienholders, and providing for the sale of crops within twelve months from date

of delivery by members of such Association; and providing for fees to be paid in connection with the filing and recording of Marketing Agreements and affidavits in connection therewith; and providing for the giving of a bond by Co-operative Marketing Associations to the Secretary of State insuring to the benefit of lienholders; and providing for repeal of laws in conflict with this Act; and providing that if any section of this Act is declared unconstitutional, the remainder of the Act shall remain in full force and effect, and declaring an emergency."

Have had the same under consideration and beg leave to report same back with recommendation that it do pass with three committee amendments herewith submitted, and like amendments to caption.

HARDIN, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 156 by inserting in Section 2 after the words, "as used in this Act shall," the following:

"Not include liens securing rentals of land, but shall."

Committee Amendment No. 2.

Amend S. B. No. 156, Section 10 at the end of the first sentence, after the words, "his lien," by inserting the following:

"Such suit may be brought in the county where the debt, for which such lien is given as security, is made payable."

Committee Amendment No. 3.

Amend S. B. No. 156, by inserting a new section after Section 10, as follows:

Sec. 10a. Production credit. In the event any member of a cooperative marketing association, as herein defined, after first applying to his local banker for money, or to his credit merchant for supplies, or to any person, firm, or corporation for production credit, is refused such credit, money, supplies, and financial assistance, he shall thereafter make written application to his association for the necessary funds and credit with which to produce his crop; and in the event such association refuses to furnish him with such funds and production credit, within fifteen days

from date of receiving application for said funds and production credit, then in that event only, such member shall be permitted to make such contracts, and to secure funds and credit necessary for the production of his crop from any person, firm, or corporation, and any and all liens given by such member on said crop in pursuance thereof, shall entitle such lienholder to the possession, enjoyment, use, or disposition of crop covered by such mortgage or lien as against such association, up to the amount of the debts secured by such mortgage or lien.

Amend Caption to S. B. No. 156, by inserting in line— page—, after the words, "enforcing of crop liens," and before the words, "and providing for notice," the following: "and providing the venue of suits by lienholders."

Amend Caption to S. B. No. 156 by inserting in line— page—, after the words, "by member of such association," and before the words, "and providing for fees" the following:

"And providing for production credit to members of Co-operative Marketing Associations."

(Majority Report)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 131, A bill to be entitled "An Act in the interest of the public safety by rendering it unlawful for any person to drive or propel an automobile, automobile truck or other motor driven vehicle upon the track of any railroad operated by a steam railroad company, or the receiver thereof, or the track of any railroad operated by an interurban railroad company, or the receiver thereof, at the place of crossing of any public road or street at grade, after the designation of the same as dangerous by the State Highway Commission, except in certain cases, without stopping, looking and listening for approaching trains, engines or cars; by making it a misdemeanor to violate any of the provisions of the Act and prescribing punishment therefor;

by providing that failure to stop at a crossing designated as a full stop shall not constitute negligence per se; by providing that the State Highway Commission shall designate crossing as dangerous and give notice thereof; by providing for the repeal of Article 800 of the Penal Code of the State of Texas of 1925; by authorizing peace officers to make arrests for the violations of the Act committed within their view or presence; by providing for the erecting and maintaining of sign board by steam and interurban railroad companies or the receivers thereof at crossing of public roads or streets with the tracks of steam or interurban railroad companies and making them liable for damages for injuries occurring by reason of neglect or refusal to erect and maintain sign boards; and repealing Article 6370 of the Revised Civil Statutes of the State of Texas of 1925 relating to erecting signs at crossings."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the attached committee amendments.

WOODWARD, Chairman.

Committee Amendment No. 1.

Amend the bill by adding after Section 1 a new section to be known as Section 1a and reading as follows:

"Section 1a. The operators of every locomotive, train, engine, cars or other steam or motor driven vehicle on any steam railroad or interurban railroad in this State shall, in approaching any public crossing designated as dangerous under Section 1 hereof, reduce the speed of such locomotive, train, engine or cars to a speed of not exceeding twenty miles per hour within one hundred yards of such crossing, and shall not proceed on to said crossing at a greater rate of speed than twenty miles per hour."

Committee Amendment No. 2.

Amend the bill by striking out of the first line of Section 2 the words "Section 1" and in lieu thereof insert "Section 1 and 1a."

Committee Amendment No. 3.

Amend the bill by adding after Section 3 a new section to be known as Section 3a and read as follows:

"Section 3a. In any suit for damages growing out of any injury to person or property at any public crossing of a steam propelled or interurban railroad in this State, the contributory negligence of the plaintiff shall be no defense to such suit, but if both parties are guilty of negligence, the jury may apportion damages according to the comparative negligence of the parties."

(Majority Report)

Committee Room,
Austin, Texas, January 26, 1927
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Article 650 and 651 of the Code of Criminal Procedure allowing defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, regulating the procedure under such application and leaving the action thereon to the sound discretion of the trial court."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

(Minority Report)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Article 650 and 651 of the Code of Criminal Procedure allowing defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, regulating the procedure under such application and leaving the ac-

tion thereon to the sound discretion of the trial court."

Beg to differ with a majority of your Committee, and report the same back to the Senate with the recommendation that it do pass.

BLEDSON.
PARR.

(Majority Report)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 97, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of 1925 by omitting therefrom the following: "Provided that where there are two or more persons jointly charged or indicted and a severance is had, the privileges of testifying shall be extended only to the party on trial," and repealing Article 711 of the Code of Criminal Procedure of 1925."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 97, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of 1925 by omitting therefrom the following: "Provided that where there are two or more persons jointly charged or indicted and a severance is had, the privilege of testifying shall be extended only to the party on trial," and repealing Article 711 of the Code of Criminal Procedure of 1925."

Beg to differ with a majority of your Committee and report the same back to the Senate with the recommendation that it do pass.

BLEDSON.
PARR.

(Majority Report)

Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 85, A bill to be entitled "An Act to amend Article 612 of the Code of Criminal Procedure and to further regulate and prescribe the manner of qualifying and selecting jurors for the trial of capital cases and repealing Articles 612, 613, 614 and 615, in so far as they may be in conflict herewith."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Jan. 26, 1927.
Hon. Barry Miller, President of the Senate:

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred:

S. B. No. 85, A bill to be entitled "An Act to amend Article 612, of the Code of Criminal Procedure and to further regulate and prescribe the manner of qualifying and selecting jurors for the trial of capital cases and repealing Articles 612, 613, 614 and 615, in so far as they may be in conflict herewith."

Beg to differ with a majority of your Committee and report the same back to the Senate with the recommendation that it do pass.

BLED SOE,
PARR.

Committee Room,
Austin, Texas, Jan. 27, 1927.
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred:

S. C. R. No. 10, Providing pay for a suitable portrait of Governor Miriam A. Ferguson.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1927.
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred:

H. C. R. No. 3, Providing for compiling and printing Legislative Manual for the Fortieth Legislature,

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with amendment.

WOOD, Chairman.

Amendment to H. C. R. No. 3.

Amend by adding after the words, "the Constitution of Texas" the following: "brought up to date."

Committee Room,
Austin, Texas, Jan. 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred:

S. B. No. 25, A bill to be entitled "An Act fixing the salaries of Judges of the Supreme Court, of the Court of Criminal Appeals, of the Judges of the Commission of Appeals and of the Commission in aid of the Court of Criminal Appeals, and Judges of the Courts of Civil Appeals and District Courts of this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with amendments.

WOOD, Chairman.

Committee Amendments to S. B. No. 25.

Amend by striking out the figures '12,000.00' and inserting in lieu thereof the figures '10,000.00.'

Amend by striking out the figures '9,000.00' and inserting in lieu thereof the figures '7,500.00.'

Amend by striking out the figures '7,000.00' and inserting in lieu thereof the figures '5,000.00.'

Amend by adding another section to be numbered 2 and re-numbering Sections 2 and 3 to be Sections 3 and 4.

Section 2. This Act shall take effect and be in force on and after September 1st, 1928.

Committee Room,

Austin, Texas, Jan. 27, 1927

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred:

S. B. No. 173, A bill to be entitled "An Act amending Article 4340, of the Revised Civil Statutes of 1925, so as to abolish the office of chief clerk to the Secretary of State and creating the office of Assistant Secretary of State; prescribing his tenure, qualifications and duties; fixing his compensation, making an appropriation for his compensation for the remainder of this fiscal year, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1927

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 147, A bill to be entitled "An Act to amend Article 2625, Revised Civil Statutes of Texas, to change the number of the board of regents from six to nine members and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with recommendation that same do pass with the following Committee Amendment, to-wit:

Change the language appearing in the bill reading as follows, to-wit: "The board of regents of the College of Industrial Arts at Denton shall be composed of nine persons, four of whom may be women." And make the same hereafter read as follows: "The board of regents of the College of Industrial Arts at Denton shall be composed of nine persons, four of whom shall be women."

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1927

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred:

S. B. No. 155, A bill to be entitled "An Act to create the 104th Judi-

cial District of Texas, and designating the counties constituting said district, and fixing the time for holding court therein, reorganizing the 39th Judicial District of Texas, and fixing the time for holding court in the various counties of said district; providing for the appointment of a judge for the newly created 104th Judicial District of Texas, and for the appointment of a district attorney for the 39th Judicial District of Texas; providing for the transfer of cases from the 104th Judicial District to the 42nd Judicial District, and vice versa; providing that the district Clerk of Taylor County shall be the clerk in Taylor County of said newly created 104th District, and providing the manner of filing cases and numbering same in the 104th District and in the 42nd Judicial District; validating all process, writs and bonds heretofore issued in the various counties affected by this Act; prescribing the duties of the district attorney for the 42nd and 104th Judicial Districts, respectively, and providing for their compensation; providing that if any provision of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Respectfully submitted,

PRICE, Chairman,

Committee Room,

Austin, Texas, Jan. 27, 1927

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred:

S. B. Nos. 54 and 76, A bill to be entitled

"An Act amending Article 1645, of the Revised Civil Statutes of 1925, so as to more adequately provide for county auditors and their compensation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report them back to the Senate with the recommendation that they do not pass, but in lieu thereof that the Committee substitute do pass.

WIRTZ, Chairman.